Chalton Lower School

Managing Unreasonable Behaviour Policy

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1	13/12/23	New policy
2	18/11/26	Policy Updated - no changes made

Policies/Documents referred to in this policy	Postholders/Persons named in this policy
The Education Act 1996	Headteacher School Staff Governing Body Parents/Carers/Visitors

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Rationale

At Chalton Lower School we recognise that parents and carers are the single biggest influence on their children and their achievements. Therefore, we are committed to building positive and responsive relationships with parents and carers so that together we can ensure that our young people get the most out of their time with us. We encourage partnerships with our parents and carers and work hard to maintain mutual respect and recognition of shared responsibility for the children.

However, in a very small minority of cases, the behaviour of a few parents or carers can cause disruption, resulting in abusive or aggressive behaviour towards staff and this will not be tolerated. All members of the school community have a right to expect that their school is a safe place. Schools are not public places and although parents and carers have rights to attend and enter school premises for legitimate proper purposes, The Education Act of 1996 states that it is an offence to cause a nuisance or disturbance on school premises. The school is entitled to withdraw the implied right a parent or carer has to enter the school, if that parent or carer is violent, abusive, threatening or aggressive. If the parent or carer then enters the premises, they are in breach of the law, and they can be prosecuted in the criminal courts. This policy applies to all those that engage with the school and not just to parents/carers. It outlines the steps that will be taken on the rare occasions when behaviour is unacceptable.

Types of Unacceptable Behaviour

Types of behaviour that are considered serious and unacceptable and will not be tolerated include:

- Shouting at members of school staff, either in person or over the telephone.
- Continually taking up and wasting staff time.
- Physically intimidating a member of staff, e.g. standing very close to her/him.
- The use of aggressive hand gestures.
- Shaking or holding a fist towards another person.
- Swearing.
- Physical or verbal threats towards staff, pupils, or other parents.
- Sending rude, threatening, intimidating or abusive email communication.
- Sending repeated emails at all times of the day and night and insisting they are answered.
- Sending rude, threatening or confrontational letters.
- Actual violence.
- Damage to property.
- Refusal to leave when asked.
- Disruption of the running of the school.
- Making unjustified complaints about staff and/or governors.
- Making an issue of trivial things, repeatedly, and making unreasonable demands of the school or on school staff.
- Continuing to pursue complaints/issues which have no substance or continuing to pursue complaints/issues which have already been investigated and determined.
- Making demands about the way that complaints should be handled.
- Publishing any abusive or negative comments about the school or staff or other parents or pupils on social media/websites or in public places or spaces.
- Racist or sexist language/comments and offensive remarks about disability, personal appearance or private life.
- Any form of harassment whether related to race, sex, disability or any other personal characteristic.
- Raising unsubstantiated allegations.

This is not an exhaustive list but seeks to provide illustrations of such behaviour. Unacceptable behaviour may result in the Police being informed of the incident.

Unreasonable Behaviour by Someone Making a Complaint

Dealing with a complaint is a straightforward process but, in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have a significant resource issue for the school. This can happen either while their complaint is being investigated, or once the school has finished dealing with the complaint.
We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner. We will not normally limit the contact which complainants have with school staff or their representatives; however we do not expect staff to tolerate unacceptable behaviour by complainants or any individual. Unacceptable behaviour by someone making a complaint is explained below and can be applied to complainants. We will take action to protect staff from such behaviour.

Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

An unreasonably persistent and/or vexatious complainant may:

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (for reasons that he or she does not admit or make obvious.)
- Refuse to specify the grounds of a complaint despite offers of assistance.
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- Refuse to accept that issues are not within the power of the school to investigate, change or influence (examples could be something that is the responsibility of another organisation.)
- Make what appears to be groundless complaints about the staff dealing with the complaints and seek to have them dismissed or replaced.
- Make an unreasonable amount of contact with the school, by any means, in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails.)
- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, by use of foul, inappropriate, offensive or racist language.
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on.
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- Deny statements he or she made at an earlier stage in the complaint process.
- Electronically record meetings and conversations without the prior knowledge and consent of the other person involved.
- Adopt an excessively ‘scattergun’ approach, for instance, pursuing a complaint not only with the school, but at the same time with another school, governors of this and other schools, the local council, the police, solicitors, Ofsted or the Department for Education.

- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded.
- Make these 'new' complaints which should be put through the full complaints procedure.
- Persistently approach the school through different routes about the same issue.
- Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons.
- Refuse to accept documented evidence as factual.
- Complain about or challenge an issue based on a historic and irreversible decision or incident.
- Combine some or all of these features.
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.

Procedures to be Followed

If a parent/carer behaves in an unacceptable way towards a member of the school community the Headteacher will seek to resolve the situation through discussion and mediation. If necessary, the school's complaints procedures should be followed.
If this is not possible and the parent/carer still continues with repeated unreasonable, rude or threatening behaviour, then the Headteacher will consider issuing a warning letter which outlines that repeats of such behaviour will likely result in a ban. Unreasonable events may have occurred in a number of stages.

The school will write to the parent/carer setting out:

- What has happened and why it is unacceptable.
- That the school will consider banning the parent/carer from the school premises if the behaviour continues.

Where all procedures have been exhausted, and aggression or intimidation continue, or where there is an act of violence, a parent or carer may be banned from the school premises for a period of time, subject to review.

In imposing a ban the following steps will be taken:

1. The parent/carer will be informed, in writing, that she/he is banned from the premises, subject to review, and what will happen if the ban is breached, e.g. that police involvement or an injunction application may follow.
2. The letter will give a clear explanation of why the ban is proposed, will give the parent/carer 5 working days to respond in writing giving their own version of events and will state the length of the proposed ban and give a review date.
3. Where an assault has led to a ban, a statement indicating that the matter has been reported to the police will be included.
4. The Chair of the Governing Body will be informed of the ban.
5. Where appropriate, arrangements for pupils being delivered to, and collected from school will be clarified.
6. After the review date if no further concerns have arisen regarding the parent's/carer's behaviour, a meeting date will be set which will seek to re-establish a productive working relationship between the school and the parent/carer.
7. If a parent/carer wishes to appeal against a ban, they may do so in writing (following the complaints procedure). The first stage of this appeal will be undertaken by an appointed Governor who would invite the Headteacher to review the matter with a view to lifting the

ban. If the outcome to this stage is that the ban is still in place, then the parent may appeal further to a panel of Governors according to the usual complaints process.

8. In some cases the unacceptable behaviour may be so extreme (for example, a physical assault on a member of staff) that the Headteacher may feel that there is no alternative but to impose a lengthy or permanent ban. In criminal cases the Headteacher will inform the police and will contact the school's legal advisors.

Conclusion

The types of behaviours discussed in this policy are thankfully rare but Chalton Lower School will take action where behaviour is unacceptable or there are serious breaches of the Home-School Agreement or health and safety legislation. In implementing this policy, the school will, as appropriate, seek advice from the Local Authority's Education, Health and Safety and Legal departments, to ensure fairness and consistency and/or to seek advice from the school's legal advisors.

Review

This policy will be reviewed regularly by the Headteacher and Governing Body. Any changes made to this policy will be communicated to all members of staff and parents/carers/visitors via the school website. All members of the school community are advised to familiarise themselves with this policy.